



## POLICY ON DEBARMENT AND SUSPENSION IN SPONSORED PROGRAM ACTIVITY

**Policy Number:** 2.0.3

**Version Number:** 001

**Classification:** Proposal Development and Submission

**Effective Date:** July 1, 2018

**Responsible University Office:** Vice President for Research

### 1.0 Purpose

Debarment and suspension are actions taken by the federal government against organizations or individuals who have committed fraud or a criminal offense in violation of federal law. Clemson University must certify that employees who have been suspended, debarred or charged with criminal activity will not be allowed to apply for or administer federal funds on behalf of the University.

### 2.0 Applicability

This policy applies to all principals of Clemson University, senior administrative staff and employees of Clemson University who apply for or are paid with federal funds.

### 3.0 Government Rules and Regulations

#### Executive Order 12549 and FAR 521.209-5

This executive order called for the creation of a government wide debarment and suspension system in connection with all transactions with federal agencies. The regulations require that Clemson University (which is the formal applicant for grant and contract funds from the federal government) certify that neither the University or the University's officers nor researchers:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (defined as being eligible to receive federal funds) by any federal department or agency.
2. Have, within a 3-year period preceding an application for funding, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
3. Are presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in (2) above.

4. Have, within a 3-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.

#### 4.0 Definitions

**Debarment** – An exclusion from government contracting and subcontracting for a reasonable, specified period of time because an individual or vendor failed to perform or their performance was inadequate.

**Suspension** – A disqualification from government contracting and subcontracting for a temporary period of time because a company or individual is suspected of engaging in criminal, fraudulent or seriously improper conduct. Suspension is to be used on an interim basis pending debarment proceedings.

All individuals and entities suspended or debarred are listed on the U.S. General Services Administration (GSA) Excluded parties Listing System (EPLS). The search can be performed at [www.sam.gov](http://www.sam.gov).

#### 5.0 Policy

Each time the University submits a proposal to the federal government, the Authorized Organizational Representative (AOR) is required to complete a certification stating the prospective primary participant and its principals are not debarred or suspended or proposed for debarment or suspension. Principal investigators must truthfully respond to questions 1-4 in section 3.0 above as part of their electronic proposal submission questionnaire.

Any individual who meets any of the conditions in 1-4 above must immediately notify the Office of Sponsored Programs and are precluded from receiving federally funded grant or contract awards or from being paid with federal funds.

#### 6.0 Responsibilities

**CU Principals/Senior Administrators** – Certify annually that they have not been debarred or suspended.

**Principal Investigators** – Certify at time of proposal submission that they have not been debarred or suspended. Notify the Director of the Office of Sponsored Programs of any change in their status during the application process and ensuing project period. Agree that no employee will be hired to work on their grant until they have been checked against the Excluded Parties Listing System.

**Employees on Sponsored Project Awards** – Notify the Principal Investigator if they meet any of the conditions in Section 3.0, 1-4.

**OSP Support Centers** – Ensure that principal investigators respond to the debarment and suspension questions in the electronic proposal submission routing questionnaire at time of submission. At time of award, verify all grant employees included in the budget are not listed on the Excluded Parties Listing System.

### 7.0 Sanctions for Non-Compliance

CU employees who do not truthfully answer the debarment and suspension questions, fail to report a debarment or suspension action while managing federal funds, or hire a debarred or suspended employee may be prevented from participating in future sponsored research activities. Debarred or Suspended employees will be removed from any existing sponsored project awards.

### 8.0 Approval Signatures

This policy has been approved by:



Tanju Karanfil  
Vice President for Research

July 1, 2018

Date

REVISION HISTORY		
EFFECTIVE DATE	REVISION NUMBER	MODIFICATION
July 1, 2018	01	Policy Reformat